



*J. F. W.*

DOCKET NO.: C1037.70048US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

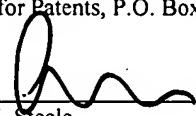
Applicant: Krieg et al.  
Serial No.: 10/644,052  
Confirmation No.: 4791  
Filed: August 19, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS

Examiner: Not Yet Assigned  
Art Unit: 1632

---

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 3rd day of August, 2005.

  
\_\_\_\_\_  
Alan W. Steele

---

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following documents:

- Supplemental Statement Filed Pursuant to the Duty of Disclosure Under 37 C.F.R. §§ 1.56, 1.97 and 1.98
- Form 1449
- International Search Report
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

No check is enclosed. If a fee is required, please charge to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Krieg et al., Applicant*

By:

  
\_\_\_\_\_  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70048US00

Date: August 3, 2005

xNDDx

923032.1



DOCKET NO.: C1037.70048US00

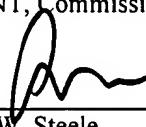
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/644,052  
Confirmation No.: 4791  
Filed: August 19, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS  
  
Examiner: Not Yet Assigned  
Art Unit: 1632

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 3rd day of August, 2005.

  
Alan W. Steele

---

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF**  
**DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

A. The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/987,146	11-12-2004	Krieg et al.	*C1039.70048US15
11/031,460	01-07-2005	Krieg et al.	*C1039.70048US16
11/036,527	01-14-2005	Krieg et al.	*C1039.70048US17
11/056,463	02-11-2005	Hartmann et al.	*C1039.70044US01
11/061,140	02-1-2005	Lipford et al.	*C1037.70053US01
11/067,516	02-25-2005	Krieg et al.	*C1039.70083US11
11/067,587	02-25-2005	Krieg et al.	*C1039.70048US18
11/071,836	03-03-2005	Krieg	*C1039.70077US01
11/084,777	03-18-2005	Bauer et al.	*C1041.70016US02
11/099,683	04-04-2005	Krieg et al.	*C1037.70047US01
11/110,189	04-19-2005	Krieg et al.	*C1039.70049US01
11/127,654	05-12-2005	Krieg et al.	*C1039.70060US01
11/127,797	05-11-2005	Krieg et al.	*C1039.70083US13
11/127,803	05-11-2005	Krieg et al.	*C1039.70083US14
11/128,127	05-11-2005	Krieg et al.	*C1039.70083US12
11/134,918	05-23-2005	Krieg et al.	*C1039.70048US19
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/183,253	07-15-2005	Ahluwalia et al.	*C1037.70035US02
11/184,065	07-18-2005	Davis et al.	*C1037.70056US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. § 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

B. The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International Application.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless not required or otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Serial No.: 10/644,052  
Conf. No.: 4791

- 4 -

Art Unit: 1632

Respectfully submitted,  
*Krieg et al., Applicant*

By: 

\_\_\_\_\_  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70048US00  
Date: August 3, 2005  
xNDDx

<p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p>				APPLICATION NO.: 10/644,052	ATTY. DOCKET NO.: C1037.70048US00
				FILING DATE: August 19, 2003	CONFIRMATION NO.: 4791
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1632	EXAMINER: Not Yet Assigned
Sheet	1	of	2		

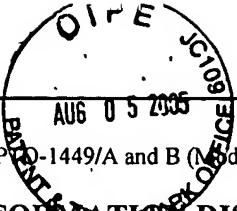
**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
A69		6,348,312	B1	Peyman et al.	02-19-2002
A70		2004-0229835	A1	Krieg et al.	11-18-2004
A71		2004-0234512	A1	Wagner et al.	11-25-2004
A72		2004-0235770	A1	Davis et al.	11-25-2004
A73		2004-0235774	A1	Bratzler et al.	11-25-2004
A74		2004-0235777	A1	Wagner et al.	11-25-2004
A75		2004-0235778	A1	Wagner et al.	11-25-2004
A76		2004-0266719	A1	McCluskie et al.	12-30-2004
A77		2005-0004061	A1	Krieg et al.	01-06-2005
A78		2005-0004062	A1	Krieg et al.	01-06-2005
A79		2005-0009774	A1	Krieg et al.	01-13-2005
A80		2005-0032734	A1	Davis et al.	02-10-2005
A81		2005-0032736	A1	Krieg et al.	02-10-2005
A82		2005-0037403	A1	Krieg et al.	02-17-2005
A83		2005-0037985	A1	Krieg et al.	02-17-2005
A84		2005-0043529	A1	Davis et al.	02-24-2005
A85		2005-0049215	A1	Krieg et al.	03-03-2005
A86		2005-0049216	A1	Krieg et al.	03-03-2005
A87		2005-0054601	A1	Wagner et al.	03-10-2005
A88		2005-0054602	A1	Krieg et al.	03-10-2005
A89		2005-0059619	A1	Krieg et al.	03-10-2005
A90		2005-0059625	A1	Krieg et al.	03-17-2005
A91		2005-0070491	A1	Krieg et al.	03-31-2005
A92		2005-0075302	A1	Hutcherson et al.	04-07-2005
A93		2005-0100983	A1	Bauer et al.	05-12-2005
A94		2005-0101554	A1	Krieg et al.	05-12-2005
A95		2005-0101557	A1	Krieg et al.	05-12-2005
A96		2005-0119273	A1	Lipford et al.	06-02-2005

EXAMINER:	DATE CONSIDERED:
-----------	------------------

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office has waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]



FORM PTO-1449/A and B (Modified) <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/644,052	ATTY. DOCKET NO.: C1037.70048US00
				FILING DATE: August 19, 2003	CONFIRMATION NO.: 4791
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1632	EXAMINER: Not Yet Assigned
Sheet	2	of	2		

	A97	2005-0123523	A1	Krieg et al.	06-09-2005
	A98	2005-0130911	A1	Uhlmann et al.	06-16-2005

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

#### OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER:	DATE CONSIDERED:
-----------	------------------

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office has waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]